

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

STATE OF MISSOURI, *et al.*,  
Intervenor-Plaintiffs,

v.

U.S. FOOD AND DRUG ADMINISTRATION, *et al.*,  
Defendants,

and

DANCO LABORATORIES, LLC,  
Intervenor-Defendant.

Case No. 2:22-cv-00223-Z

**GENBIOPRO, INC.’S JOINDER OF PENDING MOTIONS TO DISMISS AND  
MOTION TO DISMISS INTERVENOR-PLAINTIFFS’ AMENDED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b), proposed Intervenor-Defendant GenBioPro, Inc. (“GenBioPro”) hereby moves to dismiss the Intervenor-Plaintiffs’ Amended Complaint, ECF No. 217.

GenBioPro adopts, incorporates by reference, and joins in full the motions to dismiss filed by Defendants and Intervenor-Defendant Danco, ECF Nos. 218, 221, and the arguments and requests for relief made in the memoranda in support thereof, ECF Nos. 219, 222. Venue in this District is improper, and Intervenor-Plaintiffs’ Amended Complaint therefore should be dismissed or transferred to a District where venue may be proper. *See* Fed. R. Civ. P. 12(b)(3); 28 U.S.C. § 1406(a). Alternatively, Intervenor-Plaintiffs’ Amended Complaint should be dismissed because this Court lacks subject matter jurisdiction over Intervenor-Plaintiffs’ claims; Intervenor-Plaintiffs failed to exhaust mandatory administrative remedies; and Intervenor-Plaintiffs’ challenges to

actions allegedly taken by Defendants in or before 2016 are barred by the statute of limitations.

*See* Fed. R. Civ. P. 12(b)(1), (6).

Dated: February 25, 2025

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on February 25, 2025, I electronically filed the foregoing Motion for Leave to Intervene using the CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties of record.

/s/ Christopher M. Odell  
Christopher M. Odell